

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 798

Introduced by Senator De León

February 18, 2011

~~An act to amend Section 30000 of the Penal Code, relating to firearms.~~ *An act to add Sections 19920 and 20153 to the Penal Code, relating to firearms.*

LEGISLATIVE COUNSEL'S DIGEST

SB 798, as amended, De León. Firearms: ~~Prohibited Armed Persons~~ *File. BB devices: imitation firearms.*

Existing law defines "BB device" to mean any instrument that expels a projectile, such as a BB or a pellet, through the force of air pressure, gas pressure, or spring action, or any spot marker gun. Existing law defines "imitation firearm" to mean any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm. Existing law regulates the sale of BB devices and imitation firearms and makes it a misdemeanor for any person to change, alter, remove, or obliterate any coloration or marking that is required by any applicable state or federal law or regulation for any imitation firearm. Existing law further defines a handgun to be a pistol, revolver, or other firearm capable of being concealed upon the person.

This bill would require, except as specified, every BB device and imitation firearm that appears to be a handgun that has a barrel less than 16 inches in length to have the entire exterior surface of the device white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singly or as the predominate

color in combination with other colors in any pattern, or be constructed of transparent or translucent materials that permit unmistakable observation of the device's complete contents.

~~Existing law requires the Attorney General to establish and maintain an online database known as the Prohibited Armed Persons File. Existing law provides that the purpose of the file is to cross-reference persons who have ownership or possession of a firearm, as specified, and who, subsequent to the date of that ownership or possession of a firearm, fall within a class of persons who are prohibited from owning or possessing a firearm.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19920 is added to the Penal Code, to
2 read:

3 19920. Except as authorized in this part, every BB device that
4 appears to be a handgun that has a barrel less than 16 inches in
5 length shall have the entire exterior surface of the device be white,
6 bright red, bright orange, bright yellow, bright green, bright blue,
7 bright pink, or bright purple, either singly or as the predominate
8 color in combination with other colors in any pattern, or be
9 constructed of transparent or translucent materials that permit
10 unmistakable observation of the device's complete contents.

11 SEC. 2. Section 20153 is added to the Penal Code, to read:

12 20153. Except as authorized in this part, every imitation
13 firearm that appears to be a handgun that has a barrel less than
14 16 inches in length shall have the entire exterior surface of the
15 device be white, bright red, bright orange, bright yellow, bright
16 green, bright blue, bright pink, or bright purple, either singly or
17 as the predominate color in combination with other colors in any
18 pattern, or be constructed of transparent or translucent materials
19 that permit unmistakable observation of the device's complete
20 contents.

21 ~~SECTION 1. Section 30000 of the Penal Code is amended to~~
22 ~~read:~~

1 30000. ~~(a) The Attorney General shall establish and maintain~~
2 ~~an online database to be known as the Prohibited Armed Persons~~
3 ~~File. The purpose of the file is to cross-reference persons who have~~
4 ~~ownership or possession of a firearm on or after January 1, 1991,~~
5 ~~as indicated by a record in the Consolidated Firearms Information~~
6 ~~System, and who, subsequent to the date of ownership or~~
7 ~~possession of a firearm, fall within a class of persons who are~~
8 ~~prohibited from owning or possessing a firearm.~~

9 ~~(b) The information contained in the Prohibited Armed Persons~~
10 ~~File shall only be available to those entities specified in, and~~
11 ~~pursuant to, subdivision (b) or (c) of Section 11105, through the~~
12 ~~California Law Enforcement Telecommunications System, for the~~
13 ~~purpose of determining if persons are armed and prohibited from~~
14 ~~possessing firearms.~~